



2827

Sfw

Attorney's Docket No. 42390.P13720
Confirmation No. 9489

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Brent Stone, et al) Examiner: Tuan T. Dinh
Application No: 10/306,388) Art Unit: 2827
Filed: 11/27/2002)
For: MOTHERBOARD)
POWER-LEVELER)

)

Commission for Patents
U.S. Patent and Trademark Office
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT
UNDER 35 U.S.C. § 121

Sir:

In response to the restriction requirement mailed June 3, 2004, Applicant elects Group 2 as indicated by the Examiner, with traverse. Applicant respectfully submits that the restriction requirement is improper, since the Examiner has failed to demonstrate that the claims of Group 1 and the claims of Group 2 are distinct. In this regard, the Examiner has stated that:

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June 16, 2004

(Date of Deposit)

Joyce Klein

(Typed or printed name of person mailing correspondence)

Signature

June 16, 2004

Date

"Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be made to make other and materially different products or (2) that the product as claimed can be made by another and materially different process. (MPEP § 806.05(f)). In the instant case the product as claimed can be made by another and materially different process, for example, the assembly does not need to change a power routing configuration of a motherboard by providing an additional non-motherboard current path."

(Emphasis added).

Applicants however, respectfully disagree with the Examiner, and point out to the Examiner that since the power levelling element, as recited in claim 8 provides an additional non-motherboard current path, the Invention II is necessarily made by the process of Invention I. Thus, the Examiner has failed to show that the Inventions I and II are distinct.

For the above reasons, the Examiner is, respectfully requested to withdraw his restriction requirement. However, Applicant does elect the Invention II, with traverse, and reserves the right to partition from this restriction requirement.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicants hereby request such an extension.

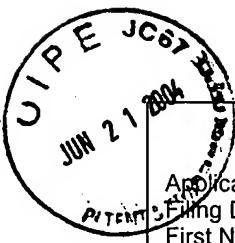
Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

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AMENDMENT TRANSMITTALPATENT

Application No.: 10/306,388
Filing Date: 11/27/2002
First Named Inventor Brent Stone, et al
Examiner's Name: Tuan T. Dinh
Art Unit: 2827
Attorney Docket No.: 42390.P13720

- An Amendment After Final Action (37 CFR 1.116) is attached and applicant(s) request expedited action.
- Charge any fee not covered by any check submitted to Deposit Account No. 02-2666.
- Applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 CFR 1.16 and 1.17, for any concurrent or future reply to Deposit Account No. 02-2666.
- Applicant(s) claim small entity status (37 CFR 1.27).

ATTACHMENTS

- Preliminary Amendment
- Amendment/Response with respect to Office Action
- Amendment/Response After Final Action (37 CFR 1.116) (reminder: consider filing a Notice of Appeal)
- Notice of Appeal
- RCE (Request for Continued Examination)
- Supplemental Declaration
- Terminal Disclaimer (reminder: if executed by an attorney, the attorney must be properly of record)
- Information Disclosure Statement (IDS)
- Copies of IDS citations
- Petition for Extension of Time
- Fee Transmittal Document (that includes a fee calculation based on the type and number of claims)
- Cross-Reference to Related Application(s)
- Certified Copy of Priority Document
- Other: _____
- Other: _____
- Check(s)
- Postcard (Return Receipt)

SUBMITTED BY:

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

TYPED OR PRINTED NAME: John P. Ward

SIGNATURE:

REG. NO.: 40,216DATE: 6/15/04ADDRESS: 12400 Wilshire Boulevard, Seventh FloorLos Angeles, California 90025TELEPHONE NO.: (408) 720-8300CERTIFICATE OF MAILING BY FIRST CLASS MAIL (if applicable)

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Date of Deposit
Joyce Klein

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Date

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